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ABSTRACT

Intended for educational assessors, school administrators, and those involved in the education of teachers and assessors, the manual presents guidelines for nonbiased educational assessment of culturally different children. Addressed are three major issues (sample subtopics are in parentheses): standardization of tests (norms, validity, reliability, and criterion-referenced techniques); educational assessors (bias in testing, cooperation, rapport, theoretical models, test scores, wider knowledge and communication, and recommendations); and funding and legislation (Public Law 94-142 and recommendations). Appended is a 10-page guide for nonbiased and nondiscriminatory assessment of the culturally different child which can be used as a resource by assessors before, during, and after the evaluation of referred children. (IM)

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A POSITION STATEMENT

ON NONBIASED ASSESSMENT

OF CULTURALLY DIFFERENT CHILDREN

Region 9

Task Group on Nonbiased Assessment

November, 1976

Sponsored by:

Northeast Regional Resource Center
168 Bank Street
Hightstown, New Jersey

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Information in this work may be duplicated.

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PREFACE

Northeast Learning Resource System

In September, 1974 a network of Learning Resource Systems was funded by the U. S. Office of Education, Bureau of Education for the Handicapped (BEH) under Public Law 91-230, to help provide an appropriate education for the handicapped child. The network is comprised of thirteen regions serving the fifty states and the Trust Territories.

The Northeast Learning Resource System (NELRS), Region 9, is administered by the Branch of Special Education and Pupil Personnel Services, New Jersey State Department of Education. The system, supported by a contract awarded to the State Department of Education by BEH, consists of two regional centers, the Northeast Area Learning Resource Center (NEALRC) and the Northeast Regional Resource Center (NERRC). These centers serve Connecticut, Maine, Massachusetts, New Hampshire, New Jersey, Rhode Island, and Vermont. An Advisory Board which consists of the State Director of Special Education or a designee from each of the client states also serves the NELRS. The Advisory Board makes recommendations to the NELRS for current, as well as, proposed activities within the Region.

The major goal of the NERRC is to aid in further developing each state's capacity to meet the educational evaluation and program prescription needs of handicapped children. This is accomplished through the development and application of exemplary appraisal and educational programming practices.

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Calendar of Events

July 28-29, 1975 — The Advisory Board of the NELRS met at Newport, Rhode Island.

Nonbiased Assessment was recognized as a priority area in the Region. The NERRC was requested to assist Region 9 client states in addressing this issue.

August - December, 1975 — NERRC planning for a Region 9 conference on nonbiased assessment began.

Each client state within the region was asked to select a seven-member team who would be responsible for planning state follow-up activities in nonbiased assessment. Goals of Region 9 conference were:

1) to inform the states within Region 9 of the meaning of P.L. 93-380 and P.L. 94-142 as it relates to nonbiased assessment and its implications for each state;

2) to give participants an overview and awareness of biased assessment practices, and the effects upon those children who have been evaluated;

3) to prepare a core group of 3 to 4 people from each state in Region 9 to participate in working and planning sessions at the Coordinating Office of the Regional Resource Centers (CORRC) National Symposium on Nonbiased Assessment in January, 1976;

4) to train the team from each state in Region 9 to be the nucleus in coordinating and planning follow-up in-service for their particular state.

January 7-9, 1976 — Region 9 Conference on Nondiscriminatory Assessment, Boston, Massachusetts.

January 18-21, 1976 — "With Bias Toward None" National Training Symposium on Nonbiased Assessment sponsored by CORRC, Atlanta, Georgia.

Purposes of the Conference:

1) to increase awareness in the area of nonbiased assessment;

2) to plan tentative nonbiased assessment models for use in each state;

3) to prepare follow-up training and implementation plans.

Region 9 delegation to this Conference recommended to NERRC the establishment of a Region 9 Task Group on Nonbiased Assessment.

February 10, 1976 — NERRC requested states in Region 9 to select two representatives for membership on the Region 9 Task Group on Nonbiased Assessment.

The Task Group would be charged with developing a report relative to:

1) types of bias found in current test instruments;

2) biased practices of test administrators;

3) recommendations relative to the direction that states should pursue in the area of nonbiased assessment.

February - March, 1976 — NERRC staff researched the literature regarding nonbiased assessment and developed information packages for Task Group prior to initial meeting.

March 31 - April 1, 1976 — Initial meeting of Region 9 Task Group on Nonbiased Assessment, Hartford, Connecticut.

The objective of this meeting was to provide client states the opportunity to share data and concerns. Each state team presented current information regarding how its state complies with P.L. 94-142 in its state plan, the effects of this legislation upon the state, and the classification and assessment process of the state.

Following the presentations and discussion, group consensus was that each Task Group Member would write a Statement of Concerns specifically treating:

1) Standardized techniques/instruments and alternatives;

2) Administrators of Tests - their level of sophistication, their need for in-service training, their lack of knowledge of cultural differences;

3) Funding incentives;

4) Current legislation mandating states to categorize children

May 17, 1976 — Statement of Concerns received from each Task Group member at the NERRC office.

May 21, 1976 — Copies made of each paper, and a complete set of them sent by the NERRC to each Task Group member for pre-meeting reading and study.

June 8-9, 1976 — Second Region 9 Task Group on Nonbiased Assessment Meeting, Hartford, Connecticut.

Large group discussion of Statement of Concerns. Subgroups were established to write a paper addressing one of the four concerns. The sections were incompiete at the close of this session. Each subgroup, however, developed a plan for completing their sections prior to the next task group meeting.

July 12-13, 1976 — Third Region 9 Task Group on Nonbiased Assessment Meeting, Newark, New Jersey.

Total group began initial editing of subgroup papers. The NERRC was asked to reorganize sections of paper prior to next meeting.

August 23-24, 1976 — Fourth Region 9 Task Group on Nonbiased Assessment Meeting, Boston, Massachusetts.

Sections of paper were discussed by Task Group concerning the need for rewriting or restructuring. Three individuals from Task Group selected to do final rewriting of prepared sections. NERRC asked to draft concluding section.

October 26-27, 1976 — Fifth Region 9 Task Group on Nonbiased Assessment meeting, Hartford, Connecticut.

Final review of paper by Task Group. NERRC was requested to have paper prepared for dissemination to Region 9 NELRS Advisory Board.

December 9, 1976 — Position Statement Submitted to NELRS Advisory Board for Review and Approval.

January, 1977 — Position Statement Disseminated to Target Population.

Introduction

In July, 1975, at the meeting of the Northeast Learning Resource System's Advisory Board in Newport, Rhode Island, the topic of non-biased assessment was recognized as a major priority area within Region 9. The Board requested that the NERRC assist the client states in addressing this need. As a result of the various regional activities outlined in the Calendar of Events, the Region 9 Task Group on Non-biased Assessment was formed.

The issue of nonbiased assessment did not develop overnight. For the last two decades the legitimacy of standardized testing and its effects has been challenged and questioned. However, in the early 1960's, the advent of major federal funding to education led to an increased use of tests to support and evaluate the success of these federally funded programs. In addition, increased pressures relative to teacher and administrator accountability gave further impetus to the use of standardized tests.

Testing has recently come under direct fire from minority segments of the population. In response to the studies done by men such as Arthur Jensen and William Shockley; Blacks, Chicanos and other minorities have been adamant in their attack on intelligence testing, viewing it as a systemized method of maintaining and perpetuating institutionalized racism. Testing has further been indicted as discriminatory against most socially and culturally different groups in our society.

This controversy has led to moratoria on the use of standardized IQ tests for special education placement in the public schools of New York City, Washington, D.C. and in the State of California. These moratoria should not lead to the abandonment of assessment but rather, to the development of assessment models which include an awareness and appreciation of the diversity of culture, race, handicap and other areas which have such an important effect upon the functioning of individuals.

With the advent of such Federal Public Laws as 93-380 and 94-142, we see a push for a free public education for all handicapped persons. The Education for All Handicapped Children Act (1975) states:

> It is the purpose of the Act to assure that all handicapped children have available to them...a free appropriate public education and related services designed to meet their unique needs, to assure that the rights of handicapped children and their parents or guardians are protected, to assist states and localities to provide for the education of all handicapped children, and to assess and assure the effectiveness of efforts to educate handicapped children (Section 3, (C)).

Specifically P.L. 94-142 EHA 1975 requires that:

> ...procedures to assure the testing and evaluation materials and procedures utilized for the purposes of classification and placement of handicapped children will be selected and administered so as not to be racially or culturally discriminatory (Section 612, 5C).

Included also within the law are Procedural Safeguards which not only insure the parents or guardian of handicapped children due process but also relate to nonbiased assessment. For example the parent or guardian has the right to:

1) examine all relevant records with respect to the identification, evaluation, and educational placement of the child...and to obtain an independent educational evaluation of the child;

2) receive prior written notice when an agency proposes to initiate or change, or refuses to initiate or change, the identification, evaluation or educational placement of the child;

3) be informed in the parent's or guardian's native language regarding all procedures and;

4) have an opportunity to present complaints with respect to any matter relating to the identification, evaluation or educational placement of the child. Whenever a complaint has been received the parents or guardian shall have an opportunity for an impartial due process hearing to be conducted by the State Education Agency (SEA) or Local Education Agency (LEA) in accordance with state law or the SEA (Section 615).

Several court cases have drawn national attention to the issue of the appropriateness of using standardized tests in the evaluation and placement of minority children. Lebanks v. Spears (New Orleans), Larry P. v. Riles (San Francisco), Stewart v. Philips (Boston) and Diana v. the State Board of Education (California) are but a few of the cases which have strongly challenged this issue. Organizations, including the National Education Association and the Association of Black Psychologists, have been very vocal in calling for a moratorium or restrictions on the use of standardized tests. The National Association of School Psychologists recently developed and adopted resolutions with regard to standards for assessment techniques which include:

1) Assessment procedures and program recommendations should be chosen to maximize the student's opportunities to be successful in the general culture;

2) All student information should be interpreted in the context of the student's sociocultural background; and

3) Training should prepare school psychologists to understand diverse cultures and to implement unbiased assessment practices (NASP, 1976).

Although the area of nonbiased assessment has always been an important one, it has only become a critical area of study on the national level in the last decade. With the enactment of federal legislation such as Public Laws 93-380 and 94-142, State Education Agencies are now pressured into complying with and addressing this issue. In addition, national attention has been drawn to court cases which have challenged the "status quo" of educational assessment and programming for all children.

The charge for the Region 9 Task Group on Nonbiased Assessment was to develop a paper addressing three major issues regarding this topic:

1) Standardization of Tests

2) Educational Assessors

3) Funding and Legislation

This paper is written to further the awareness of State Education Agencies and local school administrators as well as to assist local educational assessors in performing assessments of children in a nonbiased manner. It is also directed at Institutions of Higher Education with the hope that they will initiate changes in their curricula so that those in training are better prepared for the diverse duties encompassed in their future role as assessors.

The paper is focused on the culturally different child since Public Law 94-142 specifically prohibits racial or cultural discrimination in the selection of evaluation instruments and procedures. This is not to imply, however, that the Task Group is unaware of other forms of bias against groups such as those defined by sex, handicapping condition, religion and economic status. The Task Group deplores all forms of bias in the assessment process, but finds it necessary to limit its discussion for the purposes of this paper.

As a result of individual, small group, and large group efforts, the Region 9 Task Group on Nonbiased Assessment herein presents its views on nonbiased assessment of culturally different children. It also offers a "Guide for Nonbiased Assessment" which can be used by educational assessors as a resource before, during, and after the evaluation of referred children.

STANDARDIZATION OF TESTS

Tests are standardized so that a student's performance can be measured against some objective criterion. In norm-referenced tests a student's performance is measured against the performances of other students. In criterion-referenced tests the measurement is against specific instructional objectives.

The concern of the Task Group extends to the very beginning of the test construction process. The first consideration is the purpose for which the test is intended. The second step is the selection of the most appropriate method of testing, e.g. pencil and paper or verbal response. After these have been established the next consideration is to select which aspect of the content is most appropriate: diagnostic, aptitude, or achievement. From a theoretical as well as a practical point of view, both scholastic aptitude and intelligence testing are particularly fraught with dangerous biases against the culturally different child. The Task Group is particularly concerned with these types of tests since they are utilized to a great extent in the categorization of children with respect to their potential.

The process of standardizing an educational assessment instrument traditionally includes three major tasks. These are the establishment of norms, validity, and reliability. Each of these tasks have an important bearing on any discussion involving the tendency of such instruments to be biased against the culturally different. Consideration of these factors is necessary in the formulation of any realistic recommendation for a solution to the problems of cultural bias in the area of assessment.

Norms

The establishment and application of norms as they are currently developed and used for norm-referenced tests is a practice which has increasingly been shown to be unfair to culturally different children. Since norms are obtained by administering the test to a sample of the population to whom the results of the test are to be generalized, it is necessary, but not sufficient, that the standardization process assure proportional representation of culturally different groups in the sample. As Green (1972) states, bias is

> ...not only a result of the make-up of the standardization sample, but is a direct result of the composition of the tryout samples whose responses determine the items to be selected for a given test (p.14).

Information is also needed regarding when the norming was last completed in order to determine the generalizability to current culturally different groups.

Simply burying statistically small cultural groups in the mass population data does not significantly reduce the bias of the test. One approach to reducing bias is to provide local norms for all cultural groups to which the instrument will be applied. However, normative data are not sufficient for accurate test interpretation without the necessary validity data.

Validity

The validity of a test concerns what the test measures and how well it does so. Fundamentally, all procedures for determining test validity involve comparisons with other standards, which may be biased themselves. The Task Group will address itself to only five classes of validity which bear highly upon the problem of bias. These are: face, content, construct, predictive, and concurrent validity. The Task Group realizes that the following is not a comprehensive treatment of validity but rather a discussion of validity only as it relates to nonbiased assessment.

Face validity is primarily concerned with whether the test when inspected appears to perform its stated function. One example is if the examinee perceives the instrument to be of low face validity the resultant damage to rapport and motivation will undermine optimal performance.

Content validity involves the examination of the test content to determine whether it covers a representative sample of the behavior to be measured. A difficulty with content validity is that criterion behaviors may vary as a function of environmental, situational, and personal factors. For example, an item on a commonly used intelligence test asks for the correct disposition of a sealed, stamped, addressed letter found on the street. The correct response depends upon knowledge of streets, letters, post offices, and geographic variables unrelated to intelligence. Since most tests are constructed on the assumption that all people to whom the test is given will have had equal opportunities to learn the answers to or skills needed to answer the questions, they are suspect at best. Thus, the content validity of many widely used assessment instruments is in question because of the growing awareness that the assumption of universal experiences for all children is false.

Construct validity of a test is the degree to which a test may be said to measure some theoretical construct or behavioral trait, e.g. intelligence, verbal ability, aptitude, motivation, or personality. There is an increasing awareness among educators of the difficulty in attempting to measure something which is being continually redefined (such as intelligence) as well as the illogic of trying to place on a single scale the wide variety of talents and abilities of human beings. Since definitions of intelligence vary, contradictory and noncomplementary approaches and methods have been offered for its assessment. For these reasons the proliferation and

misuse of the intelligence test when used for classification, labeling and placement of children in special programs is of great concern to this Task Group.

Predictive validity attempts to answer the question of how well the individual can be expected to perform in the future in those areas supposedly measured by the test. Caution must be exercised in the use of any test for prediction by determining the validation of the task, the sample size, and specific time of the sampling. Without this knowledge, the predictability of the test is limited. As Glaser (1972) further points out:

> Tests of general ability, intelligence, and aptitude follow the accepted practice of attempting to predict the outcomes of learning in our rather uniform educational programs. These tests make little attempt to measure those abilities that are related to different ways of learning. The generally used scholastic aptitude tests are designed for and validated in terms of predictions of the products of learning in a particular setting. They are not designed to determine the different ways in which different students learn best, to measure the basic processes that underlie various kinds of learning, nor to assess prerequisite performance capabilities required for learning a new task (p. 7-8).

Concurrent validity is an attempt to measure the extent to which a psychological instrument is related to other measures of the same theoretical construct. However, concurrent validity can be misleading, particularly if the tests in question have poor construct validity. As Rivers et al (1975) emphasized, the specific definition of the construct is the central issue:

> With respect to most children,...intelligence tests are not related to how well the child relates in his true environment, but only with how he/she relates to the school environment. The kinds of abilities developed...may not be those which a) are assessed on traditional ability tests and b) are required in the academic setting (p. 67).

Reliability

Reliability refers to the consistency of scores obtained by the same individuals on equivalent portions, alternate forms, or on different occasions on a given instrument. This concept of reliability allows for the prediction of the range of fluctuation likely to occur in a single individual's score as a result of irrelevant, chance

factors. Error variance can originate from variations in test administration, the test taker, and the instrument itself. One problem of reliability is compounded because greater variance in test scores is expected among culturally different children who may come from widely different cultures. In addition, the fact that they have been identified as having special needs increases the probability that they will show greater variation in any other measure taken. Testing of the culturally different child is especially susceptible to the introduction of psychometrically random factors undermining reliability. These factors include the relationship between the assessor and child, the attitude of the child who may not be motivated to take seriously a test that is not given in his or her best interest, the child's lack of test sophistication, and the effects of previous negative testing experience.

Criterion-Referenced Techniques

Ebel (1975) states that:

> A criterion-referenced test reports which, or how many, of a set of specific goals for achievement a particular pupil has reached. Instead of sampling diffusely the multitude of elements of knowledge or skill included in a domain of achievement, the criterion-referenced test concentrates on a limited number of specifically defined goals, testing each of these repeatedly to make certain that the particular goal has actually been achieved (p.85).

Though novel and innovative, criterion-referenced techniques have inherent weaknesses. The attractive, straightforward simplicity of criterion-referenced instruments may serve to disguise serious potential sources of bias in the initial selection of a unique set of ideas and abilities which the student will be expected to master. Additionally, there is the problem of repeated testing and the need for development of parallel forms for those who do not reach criterion at first. Dichotomous reporting of usually two levels of achievement (pass or fail) is insufficiently precise, especially for a child whose background is not congruent with that expected for the test. The exhaustive sampling of skills to be measured tends to reduce the number of items per objective and consequently the reliability of the instrument. More weaknesses may be discovered as the use of criterion-referenced testing continues to expand. Despite the weaknesses outlined, it is the position of this Task Group that criterion-referenced assessment is more appropriate than norm-referenced assessment when evaluating a child's academic performance. However, due to the statistical limitations, the Task Group believes that further study of criterion-referenced tests is clearly warranted.

For norm-referenced, criterion-referenced, and all other forms of measurement such as pluralistic, learning potential, culture-specific, and dialect-fair tests, there must be a rigorous examination of the specific demands, both central and peripheral, made by the test as well as of such factors as item selection, testing procedures, and language used.

Summary and Recommendations

Many of the assessment techniques developed during the past fifty years are still used in classifying and placing children. Buros (1972) criticized test publishers for continuing:

> ...to market tests which do not begin to meet the standards of the rank and file of MMY (Mental Measurements Yearbook) and journal reviewers. At least half of the tests currently on the market should never have been published. Exaggerated, false, or unsubstantiated claims are the rule rather than the exception. Test users are becoming more discriminating, but not nearly fast enough (p. xxvii - xxviii).

The most accurate description of what any child can or cannot do results from an assessment which contains information that is situation specific and relates the implications of particular cultural variables. Since education claims to aim at improving the repertoire of skills of each individual child and lauds instruction which focuses on the individuality of children and their learning styles, the comparison of each child to himself is the only defensible assessment procedure. In this way, each child can be described, individualized educational plans can be developed, and progress can be monitored in meaningful and nonbiased ways.

The Task Group doubts the existence of any inherent value in an assessment system which compares a child's performance against a statistically established general population criterion and then places him accordingly. Such a system, we feel, is unfairly discriminatory against children coming from culturally different groups. It is also inconsistent with current legislation guaranteeing equivalency of educational opportunity for all. Therefore, the Task Group is strongly critical of the use of established norms in the classification of children for special placement.

Techniques should be employed that assist the assessor in: 1) identifying the skills or knowledge that children need; 2) describing those which they already have; 3) interpreting findings into individualized teaching or intervention strategies for children and; 4) determining changes in the child's progress after a predetermined interval. In this manner children are compared with

themselves and not with the national average child that doesn't exist. As Schafer (1954) points out:

> There are those who would object that this total-situation approach violates the objectivity of test interpretation. Only in the narrow and false sense in which objectivity has been usually conceived is this true. The ideal of objectivity requires that we recognize as much as possible what is going on in the situation we are studying. It requires in particular that we remember the tester and his patient are both human and alive and therefore inevitably interacting in the test situation. True, the further we move away from mechanized interpretation or comparison of formal scores and averages, the more subjective variables we may introduce into the interpretive process. The personality and personal limitations of the tester may be brought into the thick of the interpretive problem. But while we thereby increase the likelihood of personalized interpretation and variation among testers, we are at the same time in a position to enrich our understanding and our test reports significantly. The more data we use, after all, the greater the richness and specificity of our analyses -- and in the long run the more accurate we become (p. 72-73).

EDUCATIONAL ASSESSORS

Many culturally different children have been and continue to be inappropriately assessed and educationally placed due to the professional and ethical inadequacies of assessors. Reinforced in such behaviors by administrative practices which tend to accept and support diagnostic categorizations solely based upon quantitative indices, assessors have come to assume the role of inhibitors rather than child advocates.

The quality of assessment can be no better than the skills of the assessor. Those who have and continue to use assessment techniques which are inherently biased or otherwise inappropriate must assume a significant part of the blame for the detrimental effects. It is the responsibility of the diagnostician to demonstrate optimal professionalism in the selection and interpretation of assessment procedures. Such competency is born of a basic knowledge of principles of test construction and of those techniques that are viable alternatives to normative testing procedures.

Assessment must not be viewed as the mere administration of tests. Information and data relative to the child should be sought through a variety of sources. Student observations, teacher consultations, parent conferences, student interviews, reviews of available pertinent information and its sources, and multidisciplinary conferences all contribute to the quality of assessment. Though bias may occur in such procedures, the likelihood of this occurrence is greatly reduced as the bases of evaluative criteria are broadened.

The adequately trained assessor does not rely upon the standardized instrument to provide direction within the parameters of an assessment situation. Whereas the skilled assessor allows the question of the child's problems and needs to direct the assessment's content, the technician applies an instrument because of its availability. A technician is dependent on the tool; a professional is not. Unfortunately, as Buros (1972) notes:

> It is still true, as I said over ten years ago in Tests in Print, that "At present, no matter how poor a test may be, if it is nicely packaged and if it promises to do all sorts of things which no test can do, the test will find many gullible buyers" (p. xxviii).

Efforts to limit assessment bias must ultimately focus on the degree to which assessors possess highly developed skills, sensitivity, appreciation of cultural differences and dedication to the goal of meeting the needs of all children. At present, the inadequate assurances that assessors possess such competencies constitutes an area of concern most crucial for change. The misuse of appropriate techniques is as detrimental as the selection of inappropriate ones.

False assumptions based upon an inaccurate assessment can serve as an obstacle to a child's self-realization. Specifically for the culturally different child, such assumptions tend to foster and maintain the biased perceptions necessary for the maintenance of self-fulfilling types of prophectic behaviors by the dominant culture. Given insufficient monitoring of a child's progress within the recommended program, such an error may never be detected. Thus, through errors of omission and commission, the child's alternatives become constricted and inappropriately defined.

Bias in Testing

Generally, assessor bias in the testing component of assessment may arise from two sources: 1) the examiner's theoretical base; and 2) examiner-child-model incongruities. Biases in the first area are usually due to the diagnostician's lack of understanding of principles of test construction and failure to administer the instrument in accordance with manual guidelines. While errors of administration may lead to the general invalidation of the child's performance as judged by an appropriately valid and reliable assessment tool, lack of knowledge guarantees the selection of an invalid and unreliable tool for use with the child.

In the area of examiner-child-model incongruities, the possible sources of bias may run the gamut from obvious to subtle. Central to the appropriate assessment of the culturally different child is the assessor's knowledge of group and individual psychological, language, and socio-familial variations. Norm-referenced test questions often have different meanings for culturally different children. Therefore, correct interpretation of the child's responses depends in large measure upon the assessor's knowledge of antecedent and peripheral factors related to the observed behaviors. Often the child's mode and manner of response are more significant than the response itself. Ignorance of - or ignoring-such factors invalidates all interpretations, whether of tests, interview data, or observational procedures.

It must be acknowledged and remembered that the majority of formal assessment instruments are constructed as if there existed a universal set of predetermined values and experiences common to all. As this is not the case, extreme caution must be exercised in the selection of an instrument for the culturally different child. Though the instrument may appear culturally appropriate for the child, the ultimate decision as to its use must be dependent upon matching the specific referral questions to be answered with the specific item content of the instrument itself.

Cooperation

Failure to view assessment as a cooperative and co-equal process shared by all significant others involved with the child may serve to distort harmfully the diagnostic results of the assessment. Referrals are frequently inappropriate and often contain biased

and misleading selections and characterizations of observed behaviors. Extensive communication with parents, teachers, and other appropriate individuals or agencies initiated by the assessor is necessary to prevent the occurrence and acceptance of such bias.

Prior to the formulation of final recommendations, adequate consultation with parents and teachers must be sought. Teachers and parents must be involved in determining which intervention techniques are reasonable and realistic for immediate implementation and those which are needed at a future time. Communication is also necessary to learn whether the intervention techniques were successful and, if not, to determine alternate plans.

Rapport

Communication also extends to the assessor's relationship with the child during the assessment process. It is possible for difficulties to arise between examiner and child due to cultural, attitudinal, linguistic or socio-economic differences. Consequently, there can be a failure to establish a cooperative and supportive relationship between assessor and child, and, as a result, test interpretation may be distorted. In such situations the competent assessor recognizes the need to obtain assistance.

Theoretical Models

Closely related to the aforementioned possible source of bias is the assessor's adherence to a single theoretical assessment model or total acceptance of a remediative model merely because it is in vogue. Any such stance dangerously warps the interpretation of assessment results. Conversely, the total lack of model acceptance deprives the assessor of a logical framework for interpretation of raw data, leaving only a mass of unrelated facts.

Test Scores

In a somewhat similar vein, the assessor must avoid dependence on test scores alone. Test scores are meaningful only when interpreted in light of other relevant information about the child. Requisite sources of information include observations of the child in all significant environments; interviews, conferences and consultations with parents, teachers and the child; analyses of previous information available about the child, and of the child's response modes and patterns. Failure to utilize such other sources of information implies a "child-based disability" as opposed to a possible "system-based disability". Test scores are frequently used to allege deficiencies in the child as an easy solution or to remove the responsibility for the child's difficulties from others.

Wider Knowledge and Communication

The assessor must add to the requisite high degree of specialization in assessment a knowledge of the best current curricula, materials, and methods available to teachers and parents of culturally different children. This knowledge must be kept current and the assessor must work cooperatively with other specialists who have greater expertise in these areas. It is essential that the assessor develop and maintain

considerable skill in oral and written communication. Reports of assessment results must be clear, concise and written in terms which can be easily understood and used by parents and teachers. The assessor must specify the degree of confidence with which statements are made about the child and the extent to which the child exhibits any behavioral characteristic. Accurate assessment and valuable recommendations can be utilized only when they are understood and accepted.

Recommendations

Central to the issue of nonbiased assessment is the assessor. The breadth and depth of skill the assessor brings to bear is in large measure determined by 1) the overall quality of training received, including pre-service and in-service experiences, 2) state certification standards, and 3) opportunities to function as a permanent member of a multidisciplinary assessment team.

Higher education, though in some cases acknowledging the dangers of biased assessment, has failed to implement appropriate or adequate curricular modifications necessary for the preparation of skilled assessors. In addition, higher education has failed to acknowledge the diversity of roles and functions demanded of the assessor within the modern school setting.

Competency-Based Certification

In remedying this situation, the first step is to determine the desired abilities, attitudes, and characteristics needed by assessors and then to select or create methods to measure these. This determination should result from greater communication and cooperation among state departments of education, higher education, professional organizations, and consumers, i.e., parents and children. The outgrowth of such activities should not be a mere listing of required courses and degrees, but rather a delineation of the skills an assessor must demonstrate in order to obtain competency-based certifications. Higher education should then revise curricula and standards accordingly. Clear statements of competencies required by states and achieved by individual assessors should be used to clarify and simplify the process of transfer of certification from state to state. Communities might wish to add specific competencies to those required by their states in order to meet local needs.

Continuing Education

The Task Group strongly supports continuing education of assessors after initial certification. Every day brings new research findings or the development of new assessment and instructional techniques of which the assessor should be aware. A continuing program of in-service training should be available for assessors and attendance should be required.

Composition of Assessment Team

The Task Group is also concerned with the insufficient representation of minorities on assessment teams. Strong consideration should be given to the hiring of Pupil Personnel Services personnel that represent the cultural make-up of the community.

The training of assessors must emphasize the multidisciplinary model. Assessors must develop an understanding and appreciation of other disciplines and areas of knowledge that are needed for a total perception of the child for the development of appropriate program recommendations. This can be accomplished only through a comprehensive assessment which includes an examination of the educational, social, psychological and medical variables which affect the child's functioning.

Assessors must learn to work cooperatively with team members, parents, and others involved with the child. Assessors must be made aware of the importance of working on a co-equal basis with other staff and the need for acting in an advocacy role on the child's behalf.

The Task Group believes, further, that each professional involved with the education of children, particularly educational assessors, must take a close look at themselves. Each individual must examine his own skills, motives, and values before one can attempt to examine a child's. Toward this end the Task Group has developed the "Guide for Nonbiased Assessment" that begins on page i to be used as a resource for this self-examination. These questions can be utilized as a guide throughout the entire assessment process.

FUNDING AND LEGISLATION

It is unfortunate that in the 1970's legislation is required that must mandate nonbiased assessment procedures for the culturally different child. It is even more unfortunate that the legislation itself, P.L. 94-142, contains some provisions that lend themselves to being potential barriers to nonbiased assessment.

It is the opinion of the Task Group that present patterns of legislation and funding do provide barriers to nonbiased assessment. The current categorical funding structure, whereby monies are appropriated based upon the number of children identified and subsequently labeled, has come to resemble a bounty system. As a result, states are encouraged to maximize the number of children classified in order to become eligible for maximum federal and state dollars.

Within this categorical structure, children are often classified as having a particular handicap simply because of the availability of a placement that may or may not be appropriate for the child or as a result of political or economic pressures placed on the assessment team. Though assessors are sometimes aware of these forms of bias they are often unaware of the presence of their own cultural or sexual biases that may influence the classification of a child. As Hobbs (1975) notes:

> ...a child who "borrows" an automobile for a joy ride might, if apprehended, be classified as mentally retarded, emotionally disturbed, or delinquent on the basis of factors (such as socio-economic status of his family) that have little to do with either his abilities or his conduct (p. xiii).

The Task Group believes that the present categorical structure of special education should be abolished on federal, state and local levels. Alternate funding patterns to those based on reimbursement by category are already developing in varying degrees throughout our country. Many of these have reimbursement based upon services provided or on program prototypes, rather than upon the child's classification. Special education legislation and special funding has come to be seen as the only way to gain equal educational opportunities for handicapped children. The very nature of special funding for the handicapped recognizes, accepts, and reinforces the notion that "special children" are not entitled to equal protection and access to education under the law. Since alternatives to categorical funding are being found, then certainly the elimination of the dual structure of regular/special funding can be accomplished.

It is recognized that the elimination of categories and labels is only part of the solution. Unless the issues raised regarding assessors and assessment techniques are also dealt with, the abandonment of labels will have little effect on eliminating biased assessment practices.

Educators are currently faced with a dilemma. Should children be categorized in order to obtain needed services even though such classification may stigmatize them to such an extent that the benefits of such services are undermined? Often the assessor, concerned with meeting the special needs of the culturally different child, is sorely tempted to wrongly classify the culturally different child as handicapped to gain placement in the only part of the educational structure in which individualized help can be obtained. Educators must be aware when discussing this dilemma that a major issue of bias in the assessment process arises from the negative connotations associated with classifying children as handicapped. Further, the undesirable practice of labeling children may in turn require testing practices that are biased against some students, particularly those who are culturally different from the majority population.

The Task Group challenges the belief that the dual structure of special/regular education is the only effective way to gain educational opportunities for handicapped children. Indeed, the Task Group views the maintenance of this dual structure as detrimental and unnecessary and believes that all children will be better served by the elimination of the special/regular dichotomy.

Though Public Law 94-142 does continue the dual structure and the categorical system within this structure, it does contain certain provisions which gear themselves to its eventual elimination and to the elimination of biased assessment. One that does lend itself to this aim is the requirement of the development of an individual educational plan for each handicapped child evaluated. When such plans are required labeling becomes unnecessary. Simply labeling a child as handicapped does not reveal what the child can or cannot do. Knowledge of strengths and weaknesses, not a classification, is required when developing an educational plan for a child.

The elimination of this categorical structure does not eliminate the need for assessment. However, assessment will have a different focus, utilizing the asset approach rather than concentrating on deficits and etiology.

As long as the categorical structure exists and even after its dissolution, certain safeguards with adequate monitoring components will have to be employed to assure nonbiased assessment practices. The Task Group strongly supports those provisions of Public Law 94-142 which do lend themselves to nonbiased assessment, particularly the following:

1) The restriction that no single assessment procedure shall be the sole criterion for determining an appropriate educational plan for a child (Sec. 612);

2) The guarantee of complete due process procedures (Sec. 614);

3) The assurance of regular parent or guardian consultations (Sec. 614);

and

4) The establishment by each state educational agency of an advisory panel, composed of individuals in or concerned with the education of handicapped children, including handicapped individuals, to advise the state educational agency on rules and regulations and on unmet needs of handicapped children (Sec. 613).

The Task Group recommends in addition to the above that state regulations be developed that require each local educational agency to establish an advisory panel, composed of handicapped individuals and others that are representative of the cultural make-up of the community. This group's duties would be similar to those of the mandated state panel and would also review local assessment practices for any possible bias.

The Task Group further recommends that state regulations be established that mandate a multidisciplinary team assessment for the evaluation of children. The responsibility of these assessment teams would not end with the development of an educational plan, but would be maintained through periodic interaction with the child, his parents, and the teaching staff in monitoring the progress of the child and revising his educational plan accordingly.

Legislators and educators must remember that each child, regardless of language, race, color, or creed is an individual with his own distinctive needs and culture. Education must aim at assisting each child in developing as a unique human being as well as becoming an individual who can participate successfully with others in our society.

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GUIDE FOR NONBIASED ASSESSMENT

Prepared by:

Region 9 Task Group on Nonbiased Assessment
Northeast Regional Resource Center
November, 1976

This Guide may be used as a resource throughout the assessment process of any referred child but is considered critical for the assessment of the culturally different child.

This Guide may be duplicated.

REFERRAL

1. Are the parents/guardians aware that a referral has been made for their child, and by whom?

2. Is this child's presenting problem clearly and precisely stated on the referral?

    a. Does the referral include descriptive samples of behavior rather than opinions of the referring agent?

    b. Is there supportive documentation of the problem?

3. Is the referral legitimate?

    a. Does the referring agent have a history of over referral of children from certain cultural groups?

    b. Could irrelevant personal characteristics (e.g. sex or attractiveness) of the child have influenced the decision to refer him?

    c. Could the referring agent have misinterpreted this child's actions or expression due to his lack of understanding of cultural differences between himself and the child?

4. Can the assessment team provide the referring agent with interim recommendations that may eliminate the need for a comprehensive evaluation?

    a. Is it possible that the curriculum being used assumes that this child has developed readiness skills at home that in reality he hasn't had the opportunity to develop? If so, can the team assist the teacher in planning a program to give this child the opportunity to develop readiness skills?

    b. Can the team provide information on the child's cultural background for the referring agent so that there are fewer misunderstandings between the referring agent and this child and perhaps other children of similar cultural background?

REFERRAL Cont'd.

5. Have I informed this child's parents/guardians in their primary language of the referral?

   a. Have I explained the reason(s) for the referral?

   b. Have I discussed with the parents what next step activities may be involved?
      e.g. - professional evaluations
      - use of collected data
      - design of an individualized educational plan, if necessary

   c. Have I discussed due process procedures with the parents?

   d. Do I have documented parental permission for the evaluation?

   e. Have I asked the parents to actively participate in all phases of the assessment process?

   f. Have I informed the parents of their right to examine all relevant records in regard to the identification, evaluation and educational plan of their child?

MEETING THE CHILD

1. What special conditions about this child do I need to consider?

   a. What is the child's primary home language?

   b. Do I know about the child's home environmental factors?
      e.g. - familial relationships/placement
      - social and cultural customs

   c. Do I understand this child's culture and language so that I can evoke a level of performance which accurately indicates the child's underlying competencies?

   d. Is this child impeded by a handicap other than the referral problem that may result in his not understanding what I am talking about?

2. What special conditions about myself do I need to consider?

   a. How do I feel about this child?

   b. Are my values different from this child's?

   c. Will my attitude unfairly affect this child's performance?

   d. Can I evaluate this child fairly and without prejudice?

   e. If not, would I refer him to another assessor if one is available?

3. Have I examined closely all the available existing information and sought additional information concerning this child?

   a. Has the child's academic performance been consistent from year to year?

   b. Is there evidence in this child's record that his performance was negatively or positively affected by his classroom placement or teacher?

   c. Are his past test scores consistent with his past class performance?

   d. Am I familiar with past test instruments used to evaluate this child and how well can I rely on his prior test scores?

   e. Have I observed this child in as many environments as possible (individual, large group, small group, play, home)?

   f. Am I making illegitimate assumptions about this child? e.g. Do I assume he speaks and reads Spanish simply because he is Puerto Rican?

3. g. Have I actively sought additional information on non-school related variables that may have affected this child's school performance?

e.g. - health factors (adequate sleep, food)
- family difficulties
- peer group pressures

4. Does this child understand why he is in the assessment situation?

a. Have I tried to explain at his level of understanding what the reasons were for his referral?

b. Have I given this child the opportunity to freely express his perceptions of "the problem"?

c. Have I discussed with the child what next step activities may be involved?

SELECTION OF APPROACH FOR ASSESSMENT

1. Have I considered what the best assessment approach is for this child?

a. Considering the reasons for referral, do I need to utilize behavioral observations, interviews, informal techniques or standardized techniques or a combination of the above?

b. Have I given as much thought to assessing this child's adaptive behavior as I have to his academic school performance?

c. Are the approaches I am considering consistent with the child's receptive and expressive abilities?

d. Am I placing an overdependence on one technique and overlooking others that may be more appropriate?

e. Have I achieved a balance between formal and informal techniques in my selection?

2. If I have selected to use standardized instruments, have I considered all of the ramifications?

   a. Am I testing this child simply because I've always used tests in my assessment procedure?

   b. Am I administering a particular test simply because it is part of THE BATTERY?

   c. Am I administering a test because I have been directed to do so by the Administration?

   d. Does the instrument I've chosen include persons in the standardization sample from this child's cultural group?

   e. Are subgroup scores reported in the manual?

   f. Were there large enough numbers of this child's cultural group in the test sample for me to have any reliance on the norms?

   g. Does the instrument I have selected assume a universal set of experiences for all children?

   h. Does the instrument selected contain illustrations that are misleading and/or outdated?

   i. Does the instrument selected employ vocabulary that is colloquial, regional and/or archaic?

   j. Do I understand the theoretical basis of the instrument?

   k. Will this instrument easily assist in delineating a recommended course of action to benefit this child?

   l. Have I reviewed current literature regarding this instrument?

   m. Have I reviewed current research related to potential cultural influences on test results?

TEST ADMINISTRATION

1. Are there factors (attitude, physical conditions) which support the need to reschedule this child for evaluation at another time?

2. Could the physical environment of the test setting adversely affect this child's performance?

   - room temperature
   - noise
   - inadequate space
   - poor lighting
   - furnishings inappropriate for child's size

3. Am I familiar with the test manual and have I followed its directions?

4. Have I given this child clear directions?

   a. If his native language is not English, have I instructed him in his language?

   b. Am I sure that this child understands my directions?

5. Have I accurately recorded entire responses to test items, even though the child's answers may be incorrect, so that I might later consider them when interpreting his test scores?

6. Did I establish and maintain rapport with this child throughout the evaluation session?

SCORING AND INTERPRETATION

1. Have I examined each item missed by this child rather than merely looking at his total score?

   a. Is there a pattern to the types of items this child missed?

   b. Are the items missed free of cultural bias?

   c. If I omitted all items missed that are culturally biased, would this child have performed significantly better?

SCORING AND INTERPRETATION Cont'd.

2. Am I aware that I must consider other factors in the interpretation of this child's scores?

    a. Have I considered the effect the child's attitude and/or physical condition may have had on his performance?

    b. Have I considered the effect that the child's lack of rapport with me may have had on his performance?

    c. Does my interpretation of this child's performance include observations?

    d. Do I realize that I should report and interpret scores within a range rather than as a number?

3. What confidence do I have in this child's test scores?

    a. Are test scores the most important aspect of this child's evaluation?

    b. Will I allow test scores to outweigh my professional judgement about this child?

CONSULTATION WITH TEAM MEMBERS AND OTHERS

1. Am I working as an integral member of a multidisciplinary team on behalf of this child?

    a. Have I met with the team to share my findings regarding this child?

    b. Are other team member's evaluation results in conflict with mine?

    c. Can I admit my discipline's limitations and seek assistance from other team members?

CONSULTATION WITH TEAM MEMBERS AND OTHERS Cont'd.

1. d. Do I willingly share my competencies and knowledge with other team members for the benefit of this child?

   e. Has the team arrived at its conclusions as a result of team consensus or was our decision influenced by the personality and/or power of an individual team member?

2. Is the multidisciplinary team aware of its limitations?

   a. Are we aware of community resource personnel and agencies that might assist us in developing an educational plan for this child? Do we utilize such resources before, during, and after the evaluation?

   b. Do we on the team feel comfortable in including this child's parents in our discussions?

ASSESSMENT REPORT

1. Is my report clearly written and free of jargon so that it can be easily understood by this child, his parents, and teachers?

2. Does my report answer the questions asked in the referral?

3. Are the recommendations I have made realistic and practical for the child, school, teacher and parents?

4. Have I provided alternative recommendations?

5. Have I included in my report a description of any problems that I encountered and the effects of such during the assessment process?

INDIVIDUAL EDUCATIONAL PLAN

1. Are we making this child fit into an established program or are we developing an individualized educational plan appropriate for this child?

   a. Have we identified this child's strengths and weaknesses?

INDIVIDUAL EDUCATIONAL PLAN Cont'd.

1. b. Have we specified long range goals and immediate objectives for this child?

c. Are we willing to assist the teacher in implementing this child's educational plan?

d. Have we stated when and how this child's progress will be evaluated and by whom?

FOLLOW UP

1. What are my responsibilities after we have written this child's educational plan?

a. Have I discussed my findings and recommendations with this child's parents and explained their due process rights? Have I given the parents a written copy of this child's educational plan?

b. Have I met with those working with this child to discuss the educational plan and to assist them in implementing its recommendations?

c. Have I discussed my findings and recommendations with this child at his level of understanding?

d. Can I help those working directly with the child to become more familiar with this child's social and cultural background?

e. Have I sought this child's parents' permission for release of any confidential materials to other agencies and professionals?

f. Will I periodically review this child's educational plan in regard to his actual progress so that any necessary changes can be made?

SOME FINAL THOUGHTS

1. Do I believe in the right to an appropriate education for all children?

2. Would I be comfortable if MY child had been involved in THIS assessment process?

3. Is there a willingness and desire on my part to actively participate in in-service activities that will lead to the further development of my personal and professional growth?

x